

9 FAM PART IV APPENDIX N, 300 INS-ISSUED DOCUMENTS

(TL:VISA-527; 03-21-2003)
(Office of Origin: CA/VO/L/R)

9 FAM PART IV APPENDIX N 301 ALIEN REGISTRATION RECEIPT CARD (FORM I-551)

(TL:VISA-278; 05-11-2001)

The *Permanent Resident Card*, form I-551, is the primary evidence of an alien's status as a lawful permanent resident of the United States. The bearer may use this card, in conjunction with his or her national passport, as an entry document if the alien is returning to the United States within one year of departure.

9 FAM 301.1 Replacement of Form I-551

(TL:VISA-278; 05-11-2001)

In order to replace a *Permanent Resident Card*, form I-551, consular officers may occasionally be called upon to accept form I-90, *Application to Replace Alien Registration Card*, from aliens who are physically present in their consular district. Consular officers should take the following actions in these cases:

(1) Although consular officers are not required to interview form I-90 applicants, they should note under the "Remarks" column on the reverse of the form any available information that will assist INS in processing the case. [See 9 FAM PART IV Appendix N, 301.2-3b (1)-(3).]

(2) Consular officers should forward the completed Form I-90, together with the prescribed fee, in the form of a check or money order, payable to the INS office having jurisdiction over the alien's place of residence in the United States. [See 9 FAM PART IV Appendix N, 205 *Fee Collection*; 9 FAM PART IV Appendix N, Exhibit II *Regional and District Offices of the Immigration and Naturalization Service*; and 9 FAM PART IV Appendix N, Exhibit III *Selected Regulatory Fees Collected by the Immigration and Naturalization Service*.]

(3) INS will forward directly to the submitting consular office any issued duplicate Form I-551 for delivery to the alien.

9 FAM 301.2 Procedures in Emergency Circumstances

(TL:VISA-278; 05-11-2001)

If the alien has firm travel reservations and time does not permit normal processing of form I-90, the consular officer must first interview the applicant to confirm his or her identity, and, if satisfied, determine which of the three procedures described below is appropriate. In most cases, replies will be received within five working days or, at most, in 10. However, further delays may occur in cases where the applicant lacks adequate secondary evidence establishing permanent resident status. [See 9 FAM PART IV Appendix N, 301.2-3.] The form I-90 fee should not be charged in these cases, since it will be collected by INS when the alien arrives in the United States and applies for a new Form I-551.

9 FAM 301.2-1 Alien's Passport Contains ADIT Stamp

(TL:VISA-278; 05-11-2001)

a. When the applicant presents a passport with an Alien Documentation and Identification System (ADIT) stamp, indicating admission to the United States as a lawful permanent resident alien (or adjustment to that status), a boarding authorization letter [see 9 FAM PART IV Appendix N, Exhibit VIA] may be issued within the validity of the stamp (normally six months) at the discretion of the consular officer, without referral to INS/HQ for verification.

b. In exercising this discretionary authority, the consular officer should make all reasonable efforts locally to verify the alien's claimed status, by checking local card files if the immigrant visa was issued at post, or, if the visa was issued by another post, verifying the issuance through the issuing post. The consular officer should also be aware, however, that there have been cases of passports with counterfeit ADIT stamps. The ADIT stamp reads:

PROCESSED FOR I-551
TEMPORARY EVIDENCE OF
LAWFUL ADMISSION FOR
PERMANENT RESIDENCE
VALID UNTIL (DATE)
EMPLOYMENT AUTHORIZED.

9 FAM 301.2-2 Alien Presents Secondary Evidence*(TL:VISA-278; 05-11-2001)*

In the absence of a valid ADIT stamp in the passport, when the alien can present convincing secondary evidence of lawful permanent resident alien status, the consular officer may issue a boarding authorization letter [see 9 FAM PART IV Appendix N, Exhibit VIA] without referral to INS/HQ for verification. This discretionary authority may not be delegated. The consular officer must make all reasonable efforts locally to verify the alien's claimed status. A consular officer may consider the following types of secondary evidence in determining whether to issue a boarding authorization letter:

- (1) An INS stamp in the passport containing a(n) A-number or classification symbol, such as IR-1, P-2, etc.;
- (2) Correspondence from INS confirming lawful permanent resident alien status;
- (3) An INS stamp without a(n) A-number or classification in a passport that does **not** contain a valid nonimmigrant stamp;
- (4) A U.S. Selective Service Card; or
- (5) An affidavit from the accompanying spouse or immediate relative U.S. citizen or lawful permanent resident, attesting to the lawful permanent resident alien status of the applicant.

9 FAM 301.2-3 Absence of Secondary Evidence*(TL:VISA-278; 05-11-2001)*

a. When secondary evidence of permanent resident alien status is not available, the consular officer should use the "VISAS RACCOON" telegraphic message code in connection with the following procedures. [See 9 FAM PART IV Appendix E, 302.]

b. If the alien cannot recall his or her A-number or the location of the INS office where the file is maintained, it may take INS an extended period of time to locate the file and verify the alien's status. The time frame can be shortened considerably if the interview includes:

- (1) Questions as to the date (as near as possible) and port of entry;
- (2) A request that the applicant review contents of wallet, purse, and personal papers for other immigration information; and

(3) Whether a close family member (spouse, parent or child) who might be able to provide his or her A-number or file location, etc. immigrated at the same time.

The consular officer should expand the VISAS RACCOON message to incorporate any information developed in this regard.

c. Post must retain the Form I-90 pending receipt of a "VISAS SIXTY-SIX" message from the Department confirming the alien's status.

d. The VISAS SIXTY-SIX cable will permit boarding and application for admission as a lawful permanent resident either pending inspection at the port of entry **OR** pending deferred inspection at a district office of the INS. The latter circumstance indicates either that the:

(1) Complete "A" file is not available but the individual appears to remain in status and there is no derogatory information; **OR**

(2) File contains derogatory information and the individual must appear as indicated for a review of his or her case. (Such a review might result in an exclusion hearing.)

e. Upon receipt of a VISAS SIXTY-SIX message, the consular officer should prepare, in duplicate, an appropriate letter to the transportation line and INS inspectors [see 9 FAM PART IV Appendix N, Exhibit VI] identifying the alien and assuring the transportation line that the alien may be transported to the United States without danger of penalty imposed under INA 273(b). The expiration date of the letter should be one year following the date of the alien's last departure from the United States. Post should attach the alien's photograph and affix the post's impression seal in the lower left corner on the duplicate copy of the letter.

f. The Form I-90, previously completed by the applicant, and the required accompanying photographs, must be placed in a sealed envelope addressed to the INS district director having jurisdiction over the alien's place of residence in the United States. The consular officer should give both copies of the boarding authorization letter and the sealed envelope to the alien instructing him or her to present the original boarding authorization letter to the carrier on which he or she plans to travel. The alien is to present the duplicate copy, together with the sealed envelope, to the INS inspector at the port of entry.

g. Posts may occasionally receive uncoded messages (not VISAS SIXTY-SIX) which indicate that no record of admission as a lawful permanent resident exists, or that INS believes the individual has abandoned his or her U.S. residence. A transportation letter cannot be issued in such cases. If a prior residence has been confirmed and the circumstances make it seem appropriate, the consular officer may review the case for possible returning resident status for the alien under 9 FAM 42.22.

h. In rare cases, posts will receive uncoded cables requesting the consular officer to reinterview the applicant, based on the findings of the INS file as described in the message. It should then be determined whether to issue a boarding authorization letter or to inform the alien that he or she has abandoned his or her lawful permanent resident status.

i. Consular officers should not contact INS directly for information when replies are delayed. Such actions only further delay the reply in most instances. In cases involving genuinely urgent circumstances, posts may call CAVO post liaison at 202-663-1917 or 202-663-2397.

9 FAM 302 REENTRY PERMITS

9 FAM 302.1 Validity of Reentry Permits

(TL:VISA-186; 03-25-1999)

A reentry permit, form I-327, *Permit to Reenter the United States*, is comparable to a passport and is issued by the Immigration and Naturalization Service. It has a maximum validity of two years (unless restricted to a shorter period) and cannot be renewed. The permit is 3-1/2" x 6-3/4" in size with a beige cover and black letters. The inside covers and all pages are printed on light green safety paper with a darker green water mark representing a map of the continental United States on each page. Pages are numbered 1 through 20, and pages 5 through 14 are left blank for visas.

9 FAM 302.2 Unclaimed Expired Reentry Permits

(TL:VISA-186; 03-25-1999)

Unclaimed expired reentry permits are permits that are sent to posts, but have never been collected by the intended recipient. Consular offices should retain reentry permits that cannot be delivered or are not claimed until they are no longer valid, and then return them to the INS issuing office. The unclaimed expired reentry permits provide INS with information that is germane to any future dealing with the aliens, and should be part of the INS records.

9 FAM 303 REFUGEE TRAVEL DOCUMENTS

9 FAM 303.1 Issuance of Refugee Travel Documents

(TL:VISA-186; 03-25-1999)

INS issues refugee travel documents on form I-571, *Refugee Travel Document*, in implementation of Article 28 of the United Nations Convention of July 28, 1951. Form I-571I, entitles refugees to return to the United States, provided such persons have not abandoned their residence, lost their refugee status, or become excludable. In some instances, a lawful permanent resident alien may be issued a refugee travel document, but only upon surrender of any prior reentry permit.

9 FAM 303.2 Extra Page Insert in Refugee Travel Document

(TL:VISA-186; 03-25-1999)

a. The bearer of form I-571, may personally request additional pages from any INS office upon return to the United States or, if abroad, may mail the document directly to the INS office having jurisdiction over the area where the alien is residing. In the latter case, the INS will return the document to a consular office within the INS area of responsibility for subsequent forwarding to the applicant.

b. Consular officers may, upon request, attach extra page extension inserts into form I-571t. The extra page extension consists of an additional fourfold insert that provides eight additional pages, lettered "A" to "H", and has a tab for attachment to the main body of the document. The tab must be glued to page 14 of the document. It does not require a dry seal impression.

c. To obtain additional inserts, consular officers should contact the INS officer at their respective post. If there is no INS representation at the post in question, the consular officer should contact the nearest INS office.

9 FAM 303.3 Lost Refugee Travel Documents

(TL:VISA-278; 05-11-2001)

When an alien claims to have lost Form I-571, the consular officer should send a telegram requesting verification to INS/HQ, Washington, D.C. (ATTN: HQIAO), the appropriate district director, and the Department (ATTN: VO/F). The alien's full name, date and place of birth, and the INS "A" number if known, must be included in the text of the telegram. Upon INS verification of the alien's refugee status, the consular officer should issue a boarding authorization letter [see 9 FAM PART IV Appendix N, Exhibit V]. The refugee will be readmitted to the United States as a parolee, **not** as a refugee. [See 9 FAM PART IV Appendix O, 1802.2.]

9 FAM 304 REPLACEMENT CERTIFICATES OF CITIZENSHIP OR NATURALIZATION

(TL:VISA-186; 03-25-1999)

The Attorney General has authority under INA 343(b) and (d) to issue a form N-550, *Replacement Certificate of Naturalization*, or form N-645 *Certification of Citizenship*, in cases where the original certificate has been lost, mutilated, or destroyed, and to issue the replacement certificate under a new name when the name of any naturalized person has been changed.

9 FAM 304.1 Applying at Post

(TL:VISA-186; 03-25-1999)

INS has authorized consular officers to assist applicants for a replacement certificate of naturalization or citizenship if the applicant is physically present in the consular district and submits form N-565, *Application for Replacement Naturalization/Citizenship* Document, in person. The consular officer must forward the completed form N-565 with the appropriate fee to the INS Service Center having jurisdiction over the applicant's state of residence in the United States, or to the district director of the Washington, DC district for INS action.

9 FAM 304.2 Applying in the United States

(TL:VISA-186; 03-25-1999)

a. An application for a replacement certificate of naturalization or citizenship is normally submitted in person at an INS office in the United States where an INS officer will conduct an interview.

b. In cases in which the applicant will proceed abroad before the certificate can be delivered, INS will forward the certificate to the consular post designated by the applicant. The consular officer must forward the receipt for delivery of the certificate, signed by the applicant, to the INS office of origin.

c. If the consular officer finds that the applicant has lost his or her U.S. citizenship, or is otherwise ineligible to receive the certificate, he or she must withhold the certificate from the applicant and return it to the originating INS office.

9 FAM 304.3 When Interview is Required

(TL:VISA-186; 03-25-1999)

When an INS officer has not interviewed an applicant, the immigration officer will prepare and transmit the replacement certificate to the consular office designated by the applicant for delivery of the document. Along with the certificate, the INS officer will send the application and photographs of the naturalization petition and of the certificate(s) being replaced, as an aid to the consular officer in conducting the interview. The interviewing consular officer must follow the guidelines listed below to determine the applicant's eligibility to receive the duplicate certificate.

9 FAM 304.3-1 Identity

(TL:VISA-152; 09-09-1996)

The consular officer must be able to identify the applicant as the person who was naturalized and to whom the original certificate was issued. Comparing photographs and signatures and questioning the applicant regarding items in the petition for naturalization will aid in this respect.

9 FAM 304.3-2 Expatriation

(TL:VISA-152; 09-09-1996)

The applicant must be questioned to determine whether citizenship has been lost since the date the applicant became a U.S. citizen. Other persons may be questioned, and records examined, if the consular officer decides such additional action is necessary to resolve the issue.

9 FAM 304.3-3 Disposition of Original Certificate

(TL:VISA-152; 9-9-96)

The consular officer must question the applicant regarding the circumstances of the claimed loss or destruction of the original certificate to ensure that the claim is not fraudulent. If INS instructs the consular officer to obtain the original (mutilated or incorrect) certificate from the applicant, the consular officer must withhold delivery of the new certificate until the original has been surrendered.

9 FAM 304.4 Certificate Delivery

(TL:VISA-186; 03-25-1999)

Only when all requirements discussed in 9 FAM PART IV Appendix N, 304.3 have been satisfied may the new certificate be delivered. The applicant must execute and sign the receipt at the bottom of form N-565, *Examiner's Report*, page 2 of form N-565. The consular officer must complete the Examiner's Report and return the application and attachments to the INS office of origin. The consular officer shall assume, and so indicate in the report, that INS verified the applicant's naturalization at the time of application in the United States.

9 FAM 304.5 Denial of Application

(TL:VISA-186; 03-25-1999)

The consular officer must deny the application if he or she finds any of the elements in 9 FAM PART IV Appendix N, 304.3 lacking. If the application is denied, the officer shall complete the Examiner's Report, with a supplemental report covering the reasons for the denial, and return the replacement certificate, form N-645, the application, and attachments to the INS office of origin.

9 FAM 305 HOW TO RECORD DEPARTURE FROM THE UNITED STATES, AFTER THE FACT

(TL:VISA-527; 03-21-2003)

See 9 FAM Appendix N 305 Exhibit X.